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21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 SONYA RENEE *et al.*,

25 Plaintiffs,

26 v.

27 MARGARET SPELLINGS, in her official capacity;
28 UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**PLAINTIFFS' REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Time: 9:00 AM

Date: April 23, 2008

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Plaintiffs hereby respectfully request that the Court, pursuant to Federal Rule of Evidence 201, take judicial notice of the following:

- Exhibit 21 is a true and correct copy of a public memorandum, entitled “Update on Funded Teacher Development Programs,” published by the California Commission on Teacher Credentialing (CTC) as part of the informational materials on agenda item 2K for the January-February 2008 regular public meeting of the CTC. It was downloaded from the official website of the CTC and is available at <http://www.ctc.ca.gov/commission/agendas/2008-01/2008-01-2K.pdf> (last visited Apr. 17, 2008).
- Exhibit 22 is a true and correct copy of a letter from Plaintiffs’ counsel, John Affeldt, to Dale Janssen, Executive Director of the CTC, and Mary Armstrong, General Counsel to the CTC, dated April 10, 2008, requesting further information regarding Exhibit 21.
- Exhibit 23 is a true and correct copy of an official letter from the CTC, signed by its Executive Director, Dale Janssen and dated April 17, 2008, responding to Mr. Affeldt’s inquiry.

MEMORANDUM OF POINTS AND AUTHORITIES

“A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” FED. R. EVID. 201(b). “A court shall take judicial notice if requested by a party and supplied with the necessary information.” FED. R. EVID. 201(d).

Under Federal Rule of Evidence 201, this court may take judicial notice of the records of government agencies and other undisputed matters of public record. *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001). Such records include official publications of a government agency obtained from the agency’s official website. *Denius v. Dunlap*, 330 F.3d 919, 926 (7th Cir. 1993) (judicial notice taken of information on the website of The National Personnel Records Center, Military Personnel Records).

1 Here, Plaintiffs seek judicial notice of a public record available on the official website of the
2 California Commission on Teacher Credentialing (CTC), specifically an informational memorandum
3 produced for the CTC's January-February 2008 regular public meeting, Agenda Item 2K. In
4 particular, Plaintiffs ask the Court to take judicial notice of the following statement of the CTC, the
5 state agency charged with implementing state law and policies regarding teacher credentialing: "The
6 law requires employers to only hire interns after a fully credentialed teacher cannot be found, making
7 participation in the programs based on the employer's current need." (Exh. 21 at PSC 2K-9.)

8 Plaintiffs further request that the Court take judicial notice of two letters that are CTC public
9 records. Exhibit 22 is a letter to the Commission from Plaintiffs' counsel seeking clarification as to
10 the legal authority for the cited statement in Exhibit 21, particularly its first clause. Exhibit 23 is a
11 responsive letter from the CTC's Executive Director clarifying that the first clause of the statement in
12 in Exhibit 21 accurately reflects the CTC's interpretation of California Education Code § 44225.7.
13 Judicial notice of these documents and the fact that it is the CTC's position that school districts are
14 required "to only hire interns after a fully credentialed teacher cannot be found" is necessary to rebut
15 Defendants' continued assertion that "...California has apparently chosen to treat interns as
16 credentialed teachers with full certification to teach." (Defs. Reply, filed April 4, 2008, at 2:10-11; *see*
17 *also id.* at 3:14-17, and Defs. Opp., filed February 15, 2008, at 9:24-25 ("California's statutes and
18 regulations establish no preference or priority in favor of either internship or preliminary teaching
19 credentials.")).


20 California Education Code § 44225.7, cited by CTC Executive Director Dale Janssen in his
21 April 17, 2008 letter, is not new authority. Plaintiffs cited section 44225.7 in their reply memorandum
22 in support of their argument that California considers only individuals holding a preliminary or
23 professional clear credential to have full certification. (*See* Pltfs. Reply, filed March 12, 2008, at 9:1-
24 6.) Defendants continued erroneous insistence in their recent reply brief that California certification
25 law treats interns as standing on equal footing with preliminary and professional clear credential
26 holders necessitated Plaintiffs seeking clarification from the CTC as to their interpretation of the full
27

1 scope of § 44225.7, which is reflected in the attached documents. Judicial notice of such will serve
2 the Court and the public interest in so far as the documents reflect for the record an accurate picture of
3 how the California agency charged with interpreting and implementing California's certification laws
4 interprets one such law material to this case. Plaintiffs received the CTC's statement of the law with
5 respect to the hiring of interns on April 17, 2008 and have promptly submitted it to the Court for
6 judicial notice.

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8 As to the facts averred herein, I declare under penalty of perjury under the laws of the State of
9 California that the foregoing is true and correct.

10
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12 Dated: April 18, 2008

Respectfully submitted,

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15 JOHN T. AFFELDT
16 JENNY PEARLMAN
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EXHIBIT 21

2K

Information

Professional Services Committee

Update on Funded Teacher Development Programs

Executive Summary: This report provides an update on the purposes and outcomes of the teacher development programs administered by the Commission.

Recommended Action: For information only

Presenters: Marilynn Fairgood, Karen Sacramento, Consultants; Nadine Noelting and Michael McKibbin, Administrators, Professional Services Division

Strategic Plan Goal: 1

Promote educational excellence through the preparation and certification of professional educators.

- ◆ Sustain high quality standards for the preparation and performance of professional educators and for the accreditation of credential programs.

January-February 2008

Update on Funded Teacher Development Programs

Introduction

The Commission has a vital role in assuring that California's K-12 students have qualified teachers who can effectively assist students in meeting the K-12 student academic standards. One of the ways the Commission carries out this role is to oversee several teacher development programs whose overall goal is to assure quality preservice preparation that will initially prepare a candidate for success as a beginning teacher, and then assist that teacher to grow and develop during a two-year Induction experience. Maintaining state funded programs such as these assures a continuing supply of qualified teachers to meet California's public school needs.

This report provides information on the program purposes and outcomes of three specific teacher development programs: the Paraprofessional Teacher Training Program, the District and University Internship Programs, and the Beginning Teacher Support and Assessment Program (BTSA). The Commission solely administers the first two of these programs and jointly administers the BTSA program with the California Department of Education. Assuring the quality of each of these programs is accomplished initially through requiring funded programs to respond to the Commission's program standards as applicable and subsequently through program accountability measures.

Background

Taken as a whole, the three programs provide a continuum of entry points, of professional development, and of guided/mentored teaching experiences for an individual who wants to start a career as a credentialed teacher in California public schools. A brief description of each of the three programs and its role within the career continuum follows.

- ***The Paraprofessional Teacher Training Program***

This program offers public school paraprofessionals (including teacher aides, teacher assistants, and others) the opportunity to complete their undergraduate education and enter a teacher preparation program upon earning a bachelor's degree. State funding of \$3,500 per year is provided for each program participant. Participants use these funds typically for tuition, fees, books and related educational expenses. Participants completing the program must teach in a public school setting for the same number of years as they received support in the program or they must pay back the funds used. Many participants choose to enter the Intern program after completing the bachelor's degree in order to complete their teacher preparation and earn a preliminary California teaching credential. The Paraprofessional Teacher Training Program has been operating since 1995.

- ***The District and University Internship Program***

This program represents the Commission's alternative certification option for traditional teacher preparation programs. State funding of \$2,500 per participant is provided to qualified programs, and an additional \$1,000 is given for "enhanced" programs that meet certain program standards (i.e., an additional 40 hours of English Learner preservice, additional 40 hours of site-based support, and programs which do not concentrate interns in the lower decile schools). Candidates must demonstrate subject matter proficiency for a specific credential prior to participation in a CTC-approved District or University Internship program, and are issued an intern credential. The internship credential and their enrollment in the Internship program qualify candidates to begin classroom teaching as the "teacher of record." These candidates meet the NCLB requirements for "highly qualified teachers." Approved internship programs provide both a preservice component and onsite support and mentoring to assist these candidates as they work in the classroom.

- ***The BTSA Program***

This program provides beginning teachers in California public schools with a two-year focused professional development program that incorporates individualized mentoring and support. The program is jointly managed by the CTC and the California Department of Education, and constitutes the second tier in California's developmental teacher preparation and credentialing system. Funding for the program is established annually by the budget, and the funds are administered by the California Department of Education. SB 2042 (Chap. 548, Stats. 1998) created the two-tiered teaching credential that established the completion of a standards-based induction program as the path to the Clear Credential for the Multiple and Single Subject credential holders.

Table 1 provides an overview of the number of participants and the funding status for each of the three programs for 2006-07, while Appendix A provides a chart overview of this section.

Table 1
Participants and Funding for Funded Projects 1995-2007

	Paraprofessional		Intern		BTSA Induction	
	# Participants	Total Funding (million)*	# Participants	Total Funding (million)*	# Participants	Total Funding (million)*
1995-1996	566	\$1.478	1,471	\$2.0	1,800	\$5.5
1996-1997	569	\$1.478	1,888	\$2.0	2,500	\$7.5
1997-1998	573	\$1.478	3,706	\$4.5	5,200	\$17.5
1998-1999	580	\$1.478	4,340	\$6.5	12,410	\$66.0
1999-2000	522	\$11.478	4,827	\$11.0	23,500	\$72.0
2000-2001	2,268	\$11.478	5,649	\$21.5	24,500	\$87.4
2001-2002	2,268	\$11.478	7,236	\$31.8	22,253	\$84.6
2002-2003	2,056	\$6.583	7,498	\$19.1	21,735	\$88.1
2003-2004	1,876	\$6.583	8,618	\$18.8	21,064	\$88.1
2004-2005	1,618	\$6.583	8,342	\$24.9	20,339	\$85.9
2005-2006	1,699	\$6.583	7,304	\$24.9	25,810	\$81.9
2006-2007	1,775	\$7.8	8,081	\$31.7**	28,264	\$102.99

* Funding Authority

**Includes monies for enhanced participants added by SB 1209 (Chap 517, Stats. 2006).

The remainder of this report provides an update on the status of each of the programs. Each program section is organized around six topics:

1. the purpose of the program
2. eligibility and participation
3. data collected on participant retention
4. benefits of participation for candidates
5. accountability processes in place
6. program growth and looking to the future

Section 1: The Paraprofessional Teacher Training Program

Purpose

The primary purpose of the California School Paraprofessional Teacher Training Program (PTTP) is for local education agencies to create career ladders that enable school paraprofessionals to become certificated classroom teachers. In return for financial assistance for tuition, fees, books and other costs received under the program, each participant must make a commitment that he or she will complete one school year of classroom instruction in the district or county office education through which they received the support for each year of support provided.

In addition to improving the instructional services that are provided by school paraprofessionals, the program was created to respond to teacher shortages, diversify the teaching profession, and establish innovative models for teacher education.

Eligibility and Participation

Education Code Section 44392 defines school paraprofessionals who are eligible to participate in the program as the following job classifications: educational aide, special education aide, special education assistant, teacher associate, teacher assistant, teacher aide, pupil service aide, library aide, child development aide, child development assistant, and physical education aide.

School districts or county offices of education submit program proposals to the Commission based on participation criteria prescribed by law. Once approved, the local education agency (LEA) selects paraprofessionals to participate in the program based on a locally-designed selection process. To be eligible to participate in the program, paraprofessionals must be currently employed in a school district or county office of education that has been awarded a Paraprofessional Teacher Training Program (PTTP) grant. While continuing to serve as paraprofessionals in their districts, participants must complete a minimum number of units per year, either baccalaureate or professional preparation coursework, and maintain the grade point average required by the partner college/university. There is no minimum number of units required prior to participation in the program. It is the responsibility of each local administrative team to determine that participants fit academically into cohorts of no fewer than 10, and no more than 30, participants.

In 2006-2007 the program served 1,755 paraprofessionals. The program includes 1,497 females and 258 males. The numbers of program participants are determined annually through the Commission's consent form process which documents program participation and asks participants a series of background questions. Sixty-eight percent of program participants responding to the question about their ethnic background indicated they are from ethnic/racial groups underrepresented in the teaching workforce. Additionally, 897 (55%) are fluent in a second language. The PTTP continues to serve a linguistically and culturally diverse group who will ultimately provide service as credentialed teachers in over 214 school districts and county offices of education within California. Table 2 below illustrates the ethnic distribution of program participants.

Table 2
2006-2007 Ethnic Distribution of Paraprofessional Program Participants

African American	160	9.2%
Asian American/Asian Indian	33	2.0%
Caucasian	503	28.6%
Latino/Hispanic	830	47.2%
Native American/American Indian	14	.8%
Pacific Islander/Filipino	20	1.1%
Southeast Asian	33	1.9%
Other	41	2.3%
Declined to State	121	6.9%
Total	1,755	100%

Retention Data

One goal of the PTTP program is to “home-grow” teachers from the ranks of paraprofessionals who are currently serving in many urban school districts. Prior to acceptance in the program each paraprofessional must sign a commitment to provide one year of instructional service for each year of support received through the program. This service must be completed after the individual receives a preliminary credential and thus insures the employer will have the services of a fully-qualified teacher for a number of years.

From January 1995 through June 1999 the program enjoyed a 99% retention rate in teaching. As of summer 2006, the program has produced a total of 1,471 program graduates. Of the fully-credentialed graduates trained through the program from 1995 to present, 1,398, or 95%, are still employed in California public schools. The program’s retention rate is due, in part, to the fact that participants have had ongoing experience in classroom settings prior to enrolling in the program as well as continuing during program participation. Therefore, program graduates have an easier transition into serving as the teacher of record than those individuals with little or no prior classroom experience. Another reason for their longevity in the teaching profession is that participants are typically long-time residents who are invested in their local communities. These individuals are not easily uprooted and tend to stay in their communities.

Program Benefits to Candidates

In addition to the financial benefits of participation, which include payment for tuition, fees and books, the PTTP provides personal and professional benefits such as mentoring and support by program administrators, tutorial support, peer mentoring, and, for those who do not speak English as their first language, primary language support. PTTP graduates are also given priority consideration for teaching employment opportunities in their district.

The typical certification path for paraprofessionals is completion of baccalaureate degree requirements, which include subject matter coursework and entry into a university or district internship program. Thirty-four percent of program participants identified their household annual income range as being under \$20,000. Additionally, 39% report they are heads of households and 34% pay for their own medical coverage. Taking these factors into consideration, participants cannot afford on their own to support their families and complete the coursework required to earn a preliminary credential. The financial support provided through the program allows participants to complete certification requirements without the additional worry of how they can afford to continue their education while still supporting and taking care of their families.

Accountability Processes

The PTTP requires a long-term commitment from each participant, the Commission and the State of California. This multi-year program can take as many as seven years to complete. Candidate commitment includes completing required coursework, maintaining the required grade point average, completing the required number of units each quarter/semester and providing one year of instructional service for each year of financial support received through the program. Successful completion of degree and program requirements is monitored each quarter/semester by program administrators and IHE advisors. If a candidate earns a failing grade in any required course, he/she must repeat the course at his/her expense. Should an individual enroll in a course that is not included in his/her academic plan, the individual is responsible for the cost of that

course. Partner college/university bookstores maintain lists of participants and books required for each course. This process ensures that only those books identified for the appropriate courses may be purchased through the program. Should a participant consistently fail to maintain the required grade point average, he/she is counseled out of the program and required to reimburse the grant.

There are two types of PTTP programs, those funded during the first five years while the PTTP was in the pilot phase and those funded beginning in 1999 when program expansion funds were allocated following passage of 1997 legislation to expand the PTTP. Participants in the pilot phase of the program were funded at a level that would cover nearly all their costs. It should be noted that pilot programs served their last participants in 2004-2005. Participants of the expanded program receive grant allotments of \$3,500 per capita. Accountability is accomplished through state-level monitoring of budgets and actual expenditure reports. Programs must also submit an Annual Report that includes information as required in Education Code Section 44393. Each project has been given program guidelines that govern fiscal oversight and accountability. Each year the PTTP provides a required report to the legislature that includes effectiveness and accountability data.

Program Growth and Looking to the Future

From 1997 to 2003 teacher preparation programs increased the number of teachers prepared to meet the demand generated by the Class Size Reduction (CSR) initiative, resulting in an oversupply of fully trained elementary teachers in some areas of the state. Subsequently, local education agencies began to face diminishing numbers of student enrollees. At the same time, districts also reduced the scope of their CSR program further increasing the potential oversupply of multiple subject teachers. Declining enrollment and oversupply of multiple subject teachers also adversely impact multiple subject internship positions in many districts resulting in few, if any, internship positions.

In response to these teachers demand forces many PTTP projects no longer recruit paraprofessionals who are seeking multiple subject credentials. Instead, program sponsors have either redesigned or are in the process of redesigning their local projects to place a focus on recruitment of paraprofessionals seeking science, mathematics and special education certification. This recruitment focus not only allows employers to fill positions in areas of great local need but also allows employers to meet teacher recruitment requirements as identified in Education Code Section 44393.

Because of fiscal challenges faced by the state in 2002, PTTP funding was reduced from \$11.478 million to \$6.853 million. This funding reduction lasted through the 2005-2006 fiscal year. However, the Budget Act of 2007 allocated PTTP a \$500 per capita funding increase, and, as of July 2006, annual program funding increased from \$6.583 to \$7.80 million. This expanded funding allocation has allowed the program to increase annual program funding from \$3,000 to \$3,500 per participant. Although funding had been uncertain in previous years, interest in the PTTP has not diminished. The program awarded a total of six new grants during two 2006-2007 Competitive Grant Processes raising the program total to 37 local projects which will serve approximately 1,900 participants in 2007-2008. It is anticipated that an additional Competitive Grant Proposal will be issued in 2008.

While the PTTP has successfully produced a number of program graduates, some participants have failed to complete program requirements and earn a teaching credential and have been dropped from the program. Pursuant to Education Code Section 44393 (d) (3), these dropped participants are required to reimburse the PTTP. While a number of dropped participants have either fully reimbursed the PTTP or are in the process of reimbursing the PTTP, some have not paid their delinquent debts owed to the PTTP.

In September 2007 the Commission entered into a partnership with the Franchise Tax Board (FTB) and the State Controller's Office (SCO) to implement the Interagency Intercept Collections Program. This program allows the CTC to identify individuals who owe PTTP funds, and are scheduled to receive Franchise Tax Board refunds or California State Lottery winnings. In conjunction with the State Controller's Office (SCO) and the Franchise Tax Board (FTB), the funds are intercepted and transferred to CTC to pay the individuals' debt. Since the program has just begun, an informational update about the success of the intercept process will be presented to Commissioners following the end of the income tax filing season, or approximately May 2008.

Additionally, new legislation, Senate Bill 193 (Chap. 554, Stats. 2007), was signed by the Governor in October 2007. The bill includes entry requirements for prospective participants that mirror the paraprofessional employment requirements identified in No Child Left Behind. SB 193 requires prospective participants to obtain a character and identification clearance prior to participation in the program and to submit verification of completion of either two years of coursework at an institution of higher education or completion of a local basic skills examination. Full implementation of SB 193 will ensure that some common selection criteria will be utilized statewide to determine acceptance into the program and may result in decreased time between entry and program completion.

State program staff will work with PTTP administrators to develop program regulations that will guide the statewide PTTP and ensure continued local program quality and effectiveness. The regulations will include requirements for the intercept program and incorporate all provisions of SB 193. It is anticipated that staff will present draft regulations for Commission consideration during 2008-2009.

The PTTP is the first step in the Learning to Teach Continuum and provides a support network that shepherds paraprofessionals through a baccalaureate degree and teacher preparation program. Most of the local education agencies participating in the PTTP offer all three teacher development programs which allows for a seamless transition from Paraprofessional to Intern and, ultimately, into the Beginning Teacher Support and Assessment program as a beginning teacher.

Section 2: The University and District Internship Program

Purpose

In 1967, the Teacher Education Internship Act of 1967 established the university programs, while in 1983, lawmakers enacted the Hughes-Hart Education Reform Act (Senate Bill 813) authorizing districts to develop and implement district internship program. The Alternative

Teacher Certification Act of 1993 established a local assistance program to provide state funding for teaching internship programs managed by CTC. In 2007, Senate Bill 1209 (Scott, Chapter 517, Statutes of 2006) established additional funding for “enhanced programs” which provided additional support to eligible participants.

Three purposes and goals of the alternative certification program were set forth in the enabling statutes and policies: to attract into teaching individuals with valuable experiences and attributes who might not otherwise consider a career in teaching; to provide extensive and systematic professional preparation that links education theory with classroom practice, while at the same time meeting K-12 employment needs for teachers; and to provide individualized, intensive support and supervision that is standards-based and performance-driven to maximize the success of the intern teachers.

The first purpose of internship programs is to expand the pool of qualified teachers by attracting persons into teaching who might not otherwise enter the classroom, as well as those who bring valuable attributes and experiences into teaching. These groups include career changers, those underrepresented in the teaching workforce, those committed to teaching in hard-to-staff schools, teachers in content and credential shortage fields, and those who could not enter a traditional program because of economic, family or other reasons.

The second purpose of teaching internships is to enable K-12 schools to respond immediately to pressing staffing needs while providing professional preparation for interns that is as extensive and systematic as traditional programs, links education theory with classroom practice throughout each intern's preparation, and takes advantage of the experiences that interns bring with them.

The third purpose of internships is to provide effective supervision and intensive support so each new intern's learning can be targeted to her/his needs, and so beginning teachers who are interns can extend, apply and refine what they learn about teaching in the course of their initial preparation. The goal is to invest in these teachers so that they will have the skills to succeed and the commitment to stay in hard-to-staff classrooms.

Eligibility and Participation

A university or district internship is a fully paid position in a public school. The intern serves as teacher of record while simultaneously participating in a teacher preparation program. These programs may be one or two years long, and must meet the same or higher procedural and performance standards as other teacher preparation programs. Internships may be completed in any credential area. Funding is available for internships for Multiple Subject, Single Subject, and Education Specialist credentials.

Entry requirements for internships are the same as those for traditional teacher preparation programs. Interns must verify that they have at least a baccalaureate degree from an accredited university, basic skills proficiency, subject matter competency, knowledge of the U.S. Constitution either by coursework or exam, and character identification. Candidates must have an offer of employment and be admitted to an internship credential program.

In 2006-07, 8,081 interns participated in 71 funded programs, including eight district intern programs. 926 districts were partners in these programs in all 58 counties. Eighty-two percent

participated in university intern programs with the remainder in district intern programs. The length of the program varies with the institution and the type of credential being sought. Some can be earned in one year, while others take 3 years (special education), but the majority of the programs are two years long. The age of participants (Table 3) shows that the program meets the goals of providing an avenue for older participants to enter the teaching profession. Over half of the participants are over the age of 30. Although candidates from other states can use the intern program to get a credential (1,649 did in 2006-07), 6,524 participants came from California schools with 4,002 from the CSU system, 1,251 from the UC system, and 1,181 from private schools.

Table 3
Age of Intern Participants from 2003 to 2007

	20 to 30	31 to 40	41 to 50	51 to 60	60 Plus	Declined to State
2003-04	46.2%	28.6%	16.1%	8.0%	1.0%	0%
2004-05	44.8%	27.1%	17.0%	8.5%	0.9%	1.6%
2005-06	47.5%	25.3%	15.6%	9.0%	1.0%	1.7%
2006-07	48.1%	26.2%	15.3%	8.0%	1.0%	1.5%

The law requires employers to only hire interns after a fully credentialed teacher cannot be found, making participation in the programs based on the employer's current need. Participation in the multiple subject programs has decreased over the last five years, while single subject and special education credentials have increased (see Table 4).

Male candidates are well represented in the 2006-07 intern programs: 25.6% of the multiple subject candidates are male, while 48.1% of the single subject candidates and 29% of the special education candidates are male. Internships continue to provide an avenue for males to become teachers in elementary schools and in special education, while women are well represented in the secondary single subject programs. Although there are interns serving in all thirteen single subject content areas, seventy percent are pursuing the core curriculum courses of Math, Science or English (see Table 5).

Table 4
Types of Credentials Issued

	Multiple Subject		Single Subject		Special Education		Total
	#	%	#	%	#	%	
2002-03	4,508	62.5	1,588	22.0	1,121	15.5	7,217
2003-04	3,882	43.4	2,591	28.8	2,485	27.8	8,942*
2004-05	2,578	30.4	2,817	33.2	3,094	36.4	8,489*
2005-06	1,593	21.8	2,697	36.9	3,011	41.2	7,309*
2006-07	1,775	21.7	3,064	37.4	3,678	45.0	8,517*

*Interns may seek more than one type of credential.

Table 5
Intern Single Subject Credential Content Areas 2003-2007

	2003-2004	2004-2005	2005-2006	2006-2007
English Language Arts	847	796	756	797
Math	530	724	753	821
Science	553	570	497	547
Foreign Language	133	145	190	194
Physical Education	120	140	175	228
Music	52	67	71	87
Art	45	45	59	63
Business	41	33	29	30
Health Science	23	21	58	50
Home Economics	10	12	9	12
ITE	7	4	6	14
Agriculture	4	3	4	12
Did not state	16	0		0
TOTAL	2,591	2,817	2,861	3,064

Table 6 shows that Internships continue to bring those underrepresented in the teaching workforce into teaching at higher rates than student teaching based programs. According to CBEDS data, interns are ethnically twice as diverse as the existing teaching work force. The ethnic/racial distribution of intern programs has remained quite constant over the past six years.

Table 6
Ethnic Distribution of Interns 2002-2007

	2002-03	2003-04	2004-05	2005-06	2006-2007
White/Non Hispanic	52.3%	50.3%	52.3%	54.8%	53.7%
Hispanic	28.4%	26.7%	24.6%	23.5%	21.8%
African American	7.3%	9.0%	9.9%	9.1%	8.1%
Asian SE Asian	5.7%	5.4%	6.3%	6.5%	6.3%
Filipino/Pacific Islander	1.3%	1.7%	2.0%	2.4%	2.6%
American Indian	.9%	1.0%	.9%	1.2%	1.0%
Multiple	.4%	1.0%	1.0%	-	-
Other	3.5%	4.8%	3.8%	2.5%	2.9%
Unknown/Decline to Submit	(3.9)%	(4.6)%	(3.4)%	(6.2)%	(3.6)%

Most interns are teaching in California's hardest-to-staff schools. The interns tend to stay in these classrooms at far greater rates than persons prepared by other methods. The Internship program has collected retention data since 1996. Table 7 shows retention data from the past five years. These data are based on tracking of 20,000 interns. Each intern "class" or cohort is tracked by the participating program and partnering districts. Ninety-five percent are still teaching after the first year, 94% after their second year of teaching, 84% after three years, 82% after four years, and 80% after five years. All that successfully complete a one- or two-year program are recommended for a preliminary credential and are moved into a BTSA teacher induction program or Level II Education Specialist program.

Table 7

Intern Retention Data by Entry Year: 2002-2007*

Initial Year in Program	2002-03	2003-2004	2004-05	2005-06	2006-07
Retention as of June 30, 2007	80%	82%	84%	94%	95%

* There are 7 outstanding program reports.

Program Benefits to Candidates

Current interns and graduates of internship programs report that internships provide them with an avenue into teaching that is particularly well suited to their needs. The curriculum is adjusted to help them deal with the immediate concerns that they encounter. The support network provides ongoing feedback that encourages them to try new strategies and adjust and correct their instruction as necessary. Interns identify the peer support that they receive through cohort groups or workshops as a particular strength of the program.

Internship programs provide an avenue into teaching for individuals who may not be well suited for traditional student-teaching based teacher preparation. For those persons who are more mature and have spent their adult lives in careers that emphasize “learning by doing” the internship model is a good fit with their preferred learning style. Internships provide an economic base for those who can not afford the costs of a traditional teacher preparation program.

Accountability Process

Program accountability is accomplished through annual reports to CTC that are filed by each program. The annual reports include demographic data, recruitment source data, and retention rates. Programs submit budgets that provide information on expenditures and the amount spent on various aspects of the program, such as instruction, support, recruitment and selection, candidate assessment and program administration. The last portion of the annual report is the narrative analysis of the progress of the program. The programs provide a report on their successes, lessons learned and challenges in each of the required program components listed in the enabling statutes (curriculum, instruction, support and assessment). Every year, programs complete a program improvement plan describing the progress within the past year and the changes that they plan to make. Starting in 2001-02, directors were required to participate in the on-line consent verification program that identifies individual participants in the program which is used to determine program funding.

Teacher performance assessment is a significant aspect of all intern programs. Nearly all programs have implemented either the California Teaching Performance Assessment (TPA) or the Performance Assessment for California Teachers (PACT). In addition, more than 80% use some form of standards-based portfolio assessment. Most intern programs use extensive procedures that include case studies, student work and other measures as part of the portfolio assessment process. The portfolios are gathered over the full period of the internship. Usually each entry requires self-reflection and is connected to student learning in one of several ways. In most cases it is a living document which has formative as well as summative features. Most program directors report that portfolios give a more complete assessment picture upon which a more valid judgment could be made.

In addition to the accountability process as a funded program all intern programs participate in the CTC accreditation process in which peer review teams ascertain whether all procedural and performance standards are met.

Program Growth and Looking to the Future

Participation in the state funded intern programs has increased annually since its inception in 1995. The only decrease occurred during the 2005-2006 year which may have been due to the discontinuance of the pre-intern program, a feeder to the intern program. Internship programs continue to adjust to market trends. The number of multiple and special education interns have inverted in the past five years (Table 4).

Improving preservice preparation and on-site support will be the focus in the next year. Too often interns are hired at the last minute. Programs are going to have to work with districts to identify need areas, provide timely preservice preparation, and assure that the intern is supported at the site and by the program and has the necessary preparation to be successful. Smooth transition for intern programs into BTSA programs will also be a point of emphasis. Programs will be required to develop an instruction and support description to assist BTSA programs for their individualized induction plan.

Senate Bill 1209 (Chap. 517, Stats. 2006) provided an additional \$1,000 to programs that enhance the initial “preservice” preparation and the site-based support to interns. In 2006-2007 3,156 interns receive enhanced services. This number is expected to increase in future years.

Section 3: The Beginning Teacher Support and Assessment Induction Program

The Beginning Teacher Support and Assessment (BTSA) program was established by the Legislature and the Governor as a consequence of a pilot study in 1988-1992 by Commission and the California Department of Education (CDE). This pilot study, known as the California New Teacher Project, demonstrated that to increase beginning teacher success and effectiveness, state education policies governing teacher preparation, induction and certification needed to be redesigned to form a learning to teach system that begins with teacher recruitment, extends to new teacher preparation and moves into the beginning years of professional service in the classroom. The pilot project report recommended a more effective induction of new teachers that would include:

- a gradual introduction to the norms and responsibilities of teaching
- an extension of each teacher’s professional learning as initiated during his/her prior preparation
- advice and assistance from experienced colleagues
- useful information about each teacher’s performance compared to established expectations for what beginning teachers should know and be able to do.

In response to these recommendations, and after considerable legislative discussion of the pilot project report, (Success for Beginning Teachers, 1992) the Governor and the Legislature established the BTSA Program in the State Budget for 1992-93 to provide an effective transition into the teaching profession. This transition was facilitated by the assignment of a support

provider to each beginning teacher. The support provider was charged with providing individualized support and assistance to the beginning teacher as guided by the results of formative assessment of each beginning teacher's practice as measured by the California Standards for the Teaching Profession.

Passage of SB 2042 (Chap. 548, Stats. 1998) significantly changed the BTSA program by aligning it as the second tier in California's teacher preparation and credentialing system. SB 2042 created a two-tiered teaching credential that established the completion of a standards-based induction program as a path toward the Clear Credential for the Multiple and Single Subject credentials.

Passage of AB 2210 (Chap. 343, Stats. 2004) established a Commission Approved Induction program as the required route for SB 2042 Multiple and Single Subject prepared teachers to obtain a clear teaching credential if an approved Induction program is available.

Purpose

California Education Code 44279.1 establishes the following statutory purposes of the statewide BTSA Induction Program:

- provide an effective transition into teaching for first-year and second-year teachers in California
- improve the education performance of pupils through improved training, information and assistance for new teachers
- enable beginning teachers to be effective in teaching pupils who are culturally, linguistically and academically diverse
- ensure the professional success and retention of new teachers
- ensure that a support provider provides intensive individualized support and assistance to each participating beginning teacher
- improve the rigor and consistency of individual teacher performance assessment results and the usefulness of assessment results to teachers and decision makers
- establish an effective, coherent system of performance assessments that are based on the *California Standards for the Teaching Profession* adopted by the Commission in 1997
- examine alternative ways in which the general public and the educational profession may be assured that new teachers who remain in teaching have attained acceptable levels of professional competence
- ensure that an individual induction plan is in place for each participating new teacher and is based on an ongoing assessment of the development of the beginning teacher
- ensure continuous ongoing program improvement through ongoing research, development and evaluation.

Eligibility and Participation

BTSA Induction Programs are designed to support teachers with a preliminary credential during their first two years of employment in a teaching assignment. By working with teachers that have completed initial credential requirements, BTSA Induction builds on the knowledge, skills and abilities teachers gain in their teacher preparation programs and, upon program completion, recommends candidates for the Clear Teaching Credential. BTSA Induction provides support and assessment to both general education and education specialist teachers. In 2006-07 BTSA Induction served 28,264 first and second year teachers in California. Of the total 1,058 California

school districts and county offices, BTSA Induction serves new teachers in all but 12 districts, which are very small local educational agencies (LEA) with very few beginning teachers. Pursuant to SB 1209 (Chap. 517, Stats. 2006), beginning in 2007 State Charter Schools became eligible LEAs to sponsor induction programs and eligible to receive BTSA Induction funding through the Teacher Credentialing Block Grant.

In 2006-07 approved Induction Programs received a 5.92% cost of living adjustment per statute to increase the per participant funding as well as increased funding to cover the higher number of beginning teachers participating in BTSA Induction.

Table 8
Gender Distribution of BTSA Induction Participants 2006-2007

Participating Teachers (PT)		Support Providers (SP)	
28,264		12,586	
Male	Female	Male	Female
7369	20,895	2,204	10,382
26.1%	73.9%	17.5%	82.5%

Table 9
Ethnic Distribution of BTSA Induction Participating Teachers, 2006-07

Total	Participating Teachers (PT)		Support Providers (SP)	
	28,264		12,586	
African American	1,080	3.8%	517	4.1%
Asian American	1,989	7.0%	499	4.0%
Latino	5,760	20.4%	1,464	11.6%
South East Asian	279	1.0%	40	0.3%
Pacific Islander	785	2.8%	210	1.5%
Caucasian	18,115	64.1%	9,732	77.3%
Native American	415	1.5%	180	1.4%
Other	1,249	4.4%	404	3.2%

Through the consent form data collection process, each partner Institution of Higher Education (IHE) and each BTSA Induction Program were provided information on where BTSA Induction participants completed their teacher preparation and the numbers of BTSA Induction participants from nearby institutions of higher education. The majority of both beginning teachers and support providers completed their teacher preparation in California through the California State University system. In further examining the IHE that prepared teachers in California; 50.6% of 2006-07 BTSA Induction participating teachers were prepared through California State University System, 33.1% through a California Private and Independent IHE, 6.9% through the University of California System and 4.3% were prepared through a District Intern Program. 9.7% of the BTSA Induction participants completed their preliminary preparation outside California or outside the United States.

Table 10
Teaching Assignment for BTSA Participants 2006-2007

Total	Participating Teachers (PT)	Support Providers (SP)
Pre-K	294	182
Grades K-6	21,920	10,012
Grades 7-8	8,252	3,132
Grades 9-12	23,721	9,337
Adults	161	304
Not teaching this year	NA	1,561
PT's participating to earn a Clear Credential	24,017 (85%)	

Both elementary and secondary teachers participate in BTSA Induction. Teaching assignments noted in the table above reflect all grade levels that apply to a participating teacher or support provider. Teachers may work in more than one reporting area, while support providers may support more than one participant. In addition, BTSA Induction supported 1,393 Education Specialist beginning teachers during the 06-07 school year. In 2006-07, the majority (85%) of teachers participated in BTSA Induction to earn a Clear Teaching Credential as required by SB 2042. There are still a few Ryan credential holders that complete BTSA Induction as professional development rather than a credential requirement.

Retention Data

As stipulated in California Education Code, an important focus of the BTSA Induction Program is to retain individuals who might otherwise leave the teaching profession by providing an organized system of support and assessment. BTSA Induction Programs maintain retention data on current and past participants.

Table 11
BTSA Induction Program Retention Data 2003-07
Retention Rates: State-level Summary

3 Year Retention Rate in 2006-07

First year Participating Teacher in 2004-05 who are	Teaching	In Leadership Position	Not Teaching	Unknown
All Programs	92.0%	0.1%	2.1%	5.4%
Consortium	91.2%	0.2%	2.8%	5.3%
Single District	92.2%	0.1%	1.3%	6.1%
Full release SP Model	89.4%	0.1%	1.6%	8.6%
All Other SP Models	92.0%	0.1%	2.1%	5.4%

4 Year Retention Rate in 2006-07

First year Participating Teacher in 2003-04 who are	Teaching	In Leadership Position	Not Teaching	Unknown
All Programs	84.7%	0.3%	2.8%	11.6%
Consortium	83.0%	0.3%	3.8%	12.4%
Single District	85.9%	0.3%	1.9%	11.3%
Full release SP Models	82.7%	0.0%	2.7%	13.7%
Other SP Models	84.7%	0.3%	2.8%	11.6%

5 Year Retention Rate in 2006-07

First year Participating Teacher in 2002-03 who are	Teaching	In Leadership Position	Not Teaching	Unknown
All Programs	82.2%	0.4%	1.6%	14.6%
Consortium	82.3%	0.4%	3.1%	13.2%
Single District	88.3%	0.5%	1.6%	8.5%
Full release SP Model	82.2%	0.4%	1.6%	14.6%
All Other SP Models	86.1%	0.4%	2.4%	10.1%

Data Source: BTSA/CCTC Retention Survey, Fall 2006

Due to continued data collection methodology improvements, the BTSA Induction program had 100% program participation and accounting for all BTSA Induction participants over the five year time period. The 2006-07 state level retention data shows 82% of beginning teachers who participated in the California BTSA Induction program beginning in 2002-2003 are still teaching in 2006-2007. There is a four retention rate of 85% and a three year retention rate of 92%.

Program Benefits to Candidates

A hallmark of the California BTSA Induction Program is the support provider model. The beginning teacher participating in the BTSA Induction Program has a dedicated colleague with whom to share concerns, successes, issues and questions in a professional relationship for two years. This support provider is trained in formative assessment, the California Standards for the Teaching Profession, the K-12 Academic Content Standards, the needs of beginning teachers, and *The Standards of Quality and Effectiveness for Professional Teacher Induction Programs*. Statewide evaluation and local program data confirm that beginning teachers who meet regularly

with their support providers believe that those interactions helped the transition into teaching and made them more effective teachers.

Another benefit of the BTSA Induction Program is the support and professional development provided to enable beginning teachers to be effective in teaching pupils who are culturally, linguistically, and academically diverse. Through the implementation of the Individual Induction Plan, each beginning teacher participates in professional development based on his or her developmental needs as assessed through the formative assessment system.

Accountability Processes

The BTSA Induction Program maintains legislated structural layers of program accountability to ensure that standards continue to be met. In a unique design, the Commission on Teacher Credentialing and the State Superintendent of Public Instruction co-administer the BTSA Induction Program. The Leadership Team that oversees the Interagency Task Force is composed of consultants and administrators from both agencies that guide the BTSA Induction State Leadership Team and uphold the Education Code mandates.

Another vital layer in the BTSA Induction accountability system is the statewide infrastructure of program support and assistance. The Education Code establishes a competitive grant award process that allocates monies to Local Education Agencies (LEAs) that are identified to have program expertise and to provide support to regional clusters of teacher induction programs. BTSA Induction Cluster Region Directors are comprised of twelve full time staff members who are responsible to the Interagency State Task Force and provide the statewide infrastructure of program support, assistance and accountability.

To further ensure program accountability, the statewide BTSA Induction Program Consent Form and State Survey Data Collection Process exist together to: a) provide accurate participation numbers for program funding; and b) provide extensive aggregated demographic information for use in the analysis of program components and composition.

Another focus of BTSA Induction program accountability is the program review process. BTSA Induction has maintained a comprehensive review process since the beginning of the program that has continued to expand in design to support program accountability and evaluation under the SB 2042 system of licensure based Induction Programs.

Comprehensive Design for BTSA Induction Program Evaluation Centered on Peer Program Review and Induction Program Review

The BTSA Induction Peer Program Review (PPR) has provided the cornerstone for the comprehensive statewide BTSA Induction Program evaluation design. Through the balance and integrity of the program review process, a fair and accurate determination is made on the extent to which (a) standards are being met and (b) improvements that may be needed to assure quality and effectiveness are identified. Beginning in 2006-07, the BTSA Induction Program Review Process (IPR) was added to the PPR umbrella as the centerpiece of a 5 year BTSA Induction program review cycle supporting an ongoing, annual comprehensive program evaluation design. The BTSA Induction Peer Program and Induction Program Review processes are data driven, inquiry based and follows an internal-external-internal pattern of analysis.

The BTSA Induction program evaluation system follows a five-year cycle. Four years of Peer Program Review (PPR) are followed by an Induction Program Review (IPR). The components for the PPR and IPR are standardized and consist of:

- a Program Abstract (data and overview of program context and characteristics)
- the program's current approved SB 2042 Narrative that describes how each standard is implemented
- a Summary Narrative (PPR) or a Program Implementation Reflection (IPR) that allows the program director to capture successes and challenges in the program
- a summary of results of state and local evaluation data relevant to each standard
- findings made by the external review team which consists of: a) formative finding and feedback for 5 standards in the PPR and b) Summative findings for 20 standards/elements in the IPR
- the program's response to the findings in the form of: Proposed Program Modifications and Action Plan(s).

The BTSA Induction Peer Program Review

In the Peer Program Review years, programs respond to five Induction program standards in a Self-Study document. Two standards are selected by the State Leadership Team while the other three are self-selected, based on an initial analysis of program data. The external phase of the review is conducted in collaboration with self-selected local BTSA Induction program partners and is facilitated Cluster Regional Directors or other trained facilitators. Activities address the Self-Study responses through the established PPR process, and partner programs document their findings. The subsequent synthesis phase processes those findings within the local context and results in proposed modifications and Action Plan(s) for each reviewed standard. The entire process is documented in the BTSA Induction Program Annual Improvement Plan (AIP) which is submitted to the BTSA Induction Interagency Task Force.

The BTSA Induction Program Review

Beginning in 2006-07, the BTSA Induction Program Review measures BTSA Induction Programs against each of the 20 *Standards for Quality and Effectiveness for Professional Teacher Induction Programs*. The IPR determines whether a program meets each of the program standards. During the process, a team of reviewers examines the program's SB 2042 approved program narrative and multiple sources of data, including those collected from interviews of various stakeholders groups, and base their objective findings on the body of evidence presented during the external review. During 2006-07 28 BTSA Induction programs completed IPR. In 2007-08 33 BTSA Induction programs will undergo the IPR process.

Conclusion

Each of the programs that are described in the preceding sections was designed to meet a specific need. Together they form a continuum of teacher development opportunities for teachers. As a group, these programs demonstrate California's effort to increase the number of qualified teachers. These programs share the following goals:

- create working conditions that provide a support network for teachers in their developing years
- support new teachers in working effectively with all students to master the state's K-12 content standards
- improve the retention rate of qualified teachers
- provide a teacher development pipeline that accommodates teachers developmental needs and supports them in becoming high quality teachers.

Each of the teacher development programs has received an appropriation to accomplish its goals. Together these programs provide funding to Local Education Agencies to offer teacher development services.

Over the years of implementation, program staff has learned from these programs that there are certain elements that are critically important in teacher development. A support system geared to the developmental needs is absolutely necessary. Programs need to be individualized to capitalize on the experiences and qualities that the teachers possess. For example, paraprofessionals bring knowledge of the community and extensive experiences working with students. Interns bring experiences from other careers that can be applied to the classrooms where they are teachers of record. The BTSA Induction experience provides the opportunity for participants to refine what they have learned in their initial preparation and become reflective practitioners. Each program must include accountability measures for both individual teachers and programs.

Appendix A

Overview of Funded Projects 2006-2007

	Paraprofessional	Intern	BTSA
Authorizing Legislation	SB 1636 (Roberti) Statutes of 1990	AB 1161 (Quackenbush) Statutes of 1993	AB 1266 (Mazzoni) Statutes of 1998
Authorizing Statute	44390-44393	44380-44386	44279.1-44279.7
Number of Years in Operation	12	13	14
Number of Projects	33	71	148
Number of Participants	1,755	8,081	28,264
Number of District Partners	214	926	1,058
Number of University Partners	36	41	Approximately 60
Amount of Funding Per Participant 2006-2007	\$3,500	\$2,500 *Enhanced + \$1,000	\$3,675 – 1 st year \$2,894 – 2 nd year
Program Goals/Target Participants	<ul style="list-style-type: none"> • Create local career ladders to enable school paraprofessionals to become certificated classroom teachers. • Respond to teacher shortages and improve instructional services to paraprofessionals. • Diversify the teaching profession. 	<ul style="list-style-type: none"> • Meet shortage needs of districts. • Attract non-traditional students, including career changers. • Provide a teacher preparation option that blends theory with practice and offers cohort, district and program support. 	<ul style="list-style-type: none"> • Provide a support network for each first and second year credentialed teacher. • Provide a two-year formative assessment process for all new teachers. • To increase the rate of retention of new teachers. • Developing stronger roles for Institutions of Higher Education (IHE) in new teacher induction. • Building a knowledge base on new teacher induction.

*SB 1209 (Scott), Statutes of 2006 (CEC §44387), provides up to \$1,000 per intern in additional funding to programs that agree to (1) add 40 clock hours of English learner (EL) pre-service preparation to existing 120 hours of pre-service preparation, (2) provide at least 40 clock hours of on site support by a similarly certificated teacher assigned to that school, (3) and maintain specified ratios and comparative percentages of new and experienced teachers in high priority schools.

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EXHIBIT 22

Public | Advocates

Board of Governors

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UC Hastings College of Law

Fred H. Altshuler
Altshuler, Berzon LLP

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April 10, 2008

Dale Janssen, Executive Director
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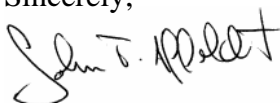
Dear Mr. Janssen and Ms. Armstrong:

I write with a few questions about the CTC's interpretation of state law. Attached is an agenda item from a January-February 2008 CTC meeting. On page PSC-2K9 in the second paragraph it states: "The law requires employers to only hire interns after a fully credentialed teacher cannot be found, making participation in the programs based on the employer's current need."

Does this sentence, particularly the first clause, accurately state the CTC's understanding of the law? If so, is the legal basis for this statement *Cal. Educ. Code* § 44225.7 or some other source?

Thank you for any clarification that you can provide.

Sincerely,



John T. Affeldt
Managing Attorney

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EXHIBIT 23

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

COMMISSION ON TEACHER CREDENTIALING

1900 Capitol Avenue
Sacramento, California 95811-4213
(916) 322-6253
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OFFICE OF THE EXECUTIVE DIRECTOR

April 17, 2008

John T. Affeldt
Managing Attorney
Public Advocates
131 Steuart Street, Suite 300
San Francisco, CA 94105

Dear Mr. Affeldt:

This is in response to your letter dated April 10, 2008 in which you raised two questions regarding the following:

On page PSC-2K9 of an agenda item from the January-February 2008 meeting of the Commission on Teacher Credentialing (CTC) the second paragraph states: "The law requires employers to only hire interns after a fully credentialed teacher cannot be found, making participation in the programs based on the employer's current need."

Your questions are:

Does this sentence, particularly the first clause, accurately state the CTC's understanding of the law?

If so, is the legal basis for this statement Cal. Education Code section 44225.7 or some other source?

The statement found on page PSC-2K9 of item 2K of the CTC's January-February 2008 Agenda accurately states the CTC's understanding of the law with respect to the hiring of interns. The legal basis for this statement is Cal. Education Code section 44225.7.

Please let me know if you have further questions regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dale A. Janssen", is written over a horizontal line. The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Dale A. Janssen
Executive Director

cc: Mary Armstrong

PROOF OF SERVICE

I, Joyce Heinan, declare:

My business address is 131 Steuart Street, Suite 300, San Francisco, CA 94105-1241. I am employed in the city and county of San Francisco where this service is occurring. I am over the age of eighteen years and am not a party to the above-entitled action.

On April 18, 2008, I caused a true and correct copy of the following document:

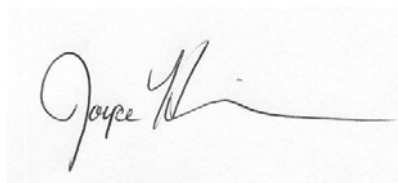
**PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT
OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

to be served using the Court's ECF system upon the following:

Jeffrey S. Bucholtz
Joseph P. Russoniello
Sheila M. Lieber
Michael Q. Hyde
Civil Division, Federal Programs Branch
United States Department of Justice
20 Massachusetts Ave., N.W., Room 7132
P.O. Box 883
Washington, D.C. 20044

Attorneys for Defendant

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 18, 2006, at San Francisco, California.



Joyce Heinan